

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
McCORMICK & CO., INC.,

Plaintiff,

v.

KARI-OUT CLUB, LLC, t/a KARI-OUT CO.,

Defendant.
-----X

Case No. 07-CV-7244 (SCR)

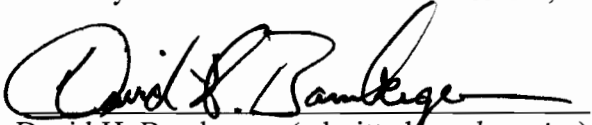
**STIPULATION OF
DISMISSAL WITH
PREJUDICE**

STIPULATION AND ORDER OF DISMISSAL

It is hereby stipulated and agreed among and between McCormick & Company, Incorporated ("McCormick"), and Kari-Out Club, LLC, t/a Kari-Out Company, a/k/a Perk Up, Incorporated ("Kari-Out") that the Complaint and all causes of action asserted therein, shall be dismissed with prejudice, each party to bear its own costs and attorneys' fees.

Stipulated and agreed to by the parties:

Case Closed
Attorneys for Plaintiff McCormick & Co., Inc.

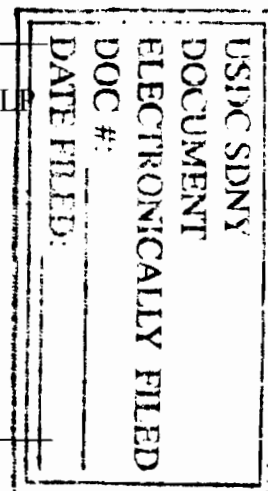

David H. Bamberger (admitted *pro hac vice*)
Syma Mirza (SM1749)
DLA PIPER US LLP
500 8th Street, N.W.
Washington, D.C. 20004
Tel: (202) 799-4500
Fax (202) 799-5500
david.bamberger@dlapiper.com
syma.mirza@dlapiper.com

Dated: September 3, 2008

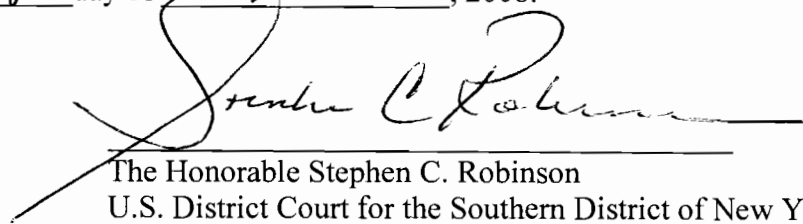
Attorneys for Defendant Kari-Out Club, LLC,
t/a Kari-Out Co., a/k/a Perk Up, Inc.


Jason T. Katz (4674)
LEWIS JOHN AVALLONE AVILES, LLP
425 Broad Hollow Road
Melville, NY 11747
Tel: (631) 755-0101
Fax (631) 755-0117
jtkatz@lewisjohns.com

Dated: September 4, 2008



DONE and ORDERED this 8th day of September, 2008.


The Honorable Stephen C. Robinson
U.S. District Court for the Southern District of New York

COPIES TO:

David H. Bamberger
Syma Mirza
DLA PIPER US LLP
500 8th Street, N.W.
Washington, D.C. 20004

John Vukelj
DLA PIPER US LLP
1251 Avenue of the Americas
New York, NY 10020-1104

Attorneys for Plaintiff McCormick & Co., Inc.

Jason T. Katz
LEWIS JOHN AVALLONE AVILES, LLP
425 Broad Hollow Road
Melville, NY 11747

Attorneys for Defendant Kari-Out Club, LLC, t/a Kari-Out Co., a/k/a Perk Up, Inc.